

THE VESPI LAW FIRM, LLC
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Attorneys for Plaintiff

RONALD K. SERAFIN,

Plaintiff,

vs.

THOMAS D. BROWN, SCHNEIDER
NATIONAL CARRIERS, INC., ALLEN
R. ENGLISH, ENGLISH TRUCKING,
HERITAGE MOTOR FREIGHT, INC.,
CALDER J. GLASEBROOK,

Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action

CIVIL ACTION NO.:

COMPLAINT

THE PARTIES

1. The plaintiff, RONALD K. SERAFIN, is an individual who resides at 32 Major Street, Clifton, Passaic County, New Jersey, 07013.

2. The defendant, THOMAS D. BROWN, is an individual residing at 411 East Court, Marinette, Wisconsin, 54143, and was operating the 2020 Freightliner semi-tractor, bearing Indiana registration 2718046, and owned by defendant, SCHNEIDER NATIONAL CARRIERS, INC.

3. The defendant, SCHNEIDER NATIONAL CARRIERS, INC., is a business headquartered at 7101 W. 17th Avenue, Gary, Indiana, with facilities located in New Jersey, including one located at 115 Jacobus Ave, Kearny, New Jersey 07032, and the owner of the 2020 Freightliner semi-tractor, bearing Indiana registration 2718046, and operated by defendant, THOMAS D. BROWN.

4. At all times herein mentioned, the defendant SCHNEIDER NATIONAL CARRIERS, INC., provides interstate freight transportation, cargo, truckload, and logistic services, from its numerous facilities, including 115 Jacobus Ave, Kearny, NJ 07032.

5. At all times herein mentioned, the defendant THOMAS D. BROWN was an agent, servant, and/or employee of SCHNEIDER NATIONAL CARRIERS, INC., and was in the course of, and scope of, his employment.

6. The defendant, ALLEN R. ENGLISH, is an individual residing at 633 Nelson Road, Morrisdale, Pennsylvania, 16858, and was operating the 2004 Freightliner semi-tractor, bearing Pennsylvania registration AF48795, and owned by defendant, ALLEN R. ENGLISH and/or ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC.

7. The defendant, ENGLISH TRUCKING, is a business located at 633 Nelson Road, Morrisdale, Pennsylvania, 16858, and the owner, lessee, or lessor of the 2004 Freightliner semi-tractor, bearing Pennsylvania registration AF48795, and operated by defendant, ALLEN R. ENGLISH.

8. The defendant, HERITAGE MOTOR FREIGHT, INC., is a business located at 633 Nelson Road, Morrisdale, Pennsylvania, 16858, and the owner, lessee, or lessor of the 2004 Freightliner semi-tractor, bearing Pennsylvania registration AF48795, and operated by defendant, ALLEN R. ENGLISH.

9. At all times herein mentioned, the defendants, ENGLISH TRUCKING and HERITAGE MOTOR FREIGHT, INC., provides interstate freight transportation services, from its facility at 733 Nelson Road, Morrisdale, Pennsylvania, 16858.

10. At all times herein mentioned, the defendant, ALLEN R. ENGLISH, was an agent, servant, and/or employee of ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., and was in the course of, and scope of, his employment.

11. The defendant, CALDER J. GLASEBROOK, is an individual residing at 227 Bridge Street, Northampton, Massachusetts, 01060, and the owner and operator of the 2010 Subaru Forester, bearing Ohio registration 8NP274.

JURISDICTION AND VENUE

12. This Court has jurisdiction pursuant to 28 U.S.C. 1332(a)(1), as the plaintiff is a citizen of New Jersey, the defendants are citizens of Ohio, Wisconsin, Indiana, Massachusetts, and Pennsylvania, and the amount in controversy is in excess of \$75,000.00, exclusive of interest, costs and attorney's fees.

13. Venue lies in this district pursuant to 28 U.S.C. 1391(b)3, as defendant, SCHNEIDER NATIONAL CARRIERS, INC., is subject to this Court's personal jurisdiction, with respect to this action.

FACTUAL ALLEGATIONS

14. On or about December 18, 2019, the plaintiff, RONALD K. SERAFIN, was the operator of a certain 2007 Volvo Truck, which was traveling in a westerly direction on Interstate 80 in Austintown, Ohio.

15. At the time and place alleged, the defendant, THOMAS D. BROWN, was the operator of a certain 2020 Freightliner semi-tractor, owned by defendant, SCHNEIDER NATIONAL CARRIERS, INC., which was traveling in a westerly direction on Interstate 80 in Austintown, Ohio.

16. At the time and place alleged, the defendant, ALLEN R. ENGLISH, was the operator of a certain 2004 Freightliner semi-tractor, owned, leased, rented and/or possessed by defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., which was traveling in a westerly direction on Interstate 80 in Austintown, Ohio.

17. At the time and place alleged, the defendant, CALDER J. GLASEBROOK, was the owner and operator of a certain 2010 Subaru Forester, which was traveling in a westerly direction on Interstate 80 in Austintown, Ohio.

18. As the Plaintiff and the defendants, THOMAS D. BROWN and SCHNEIDER NATIONAL CARRIERS, INC., were traveling in the right lane of Interstate 80, when the defendants, THOMAS D. BROWN and SCHNEIDER NATIONAL CARRIERS, INC., so negligently and carelessly operated the truck that they lost control of their truck, resulting in a forceful collision with the Plaintiff's truck, thereby causing the injuries and damages which are the subject of this action.

19. As the Plaintiff and the defendant, CALDER J. GLASEBROOK, were traveling in the right lane of Interstate 80, when the defendant, CALDER J. GLASEBROOK, so negligently and carelessly operated his vehicle, resulting in a rear-end collision with the Plaintiff's truck, thereby causing the injuries and damages which are the subject of this action.

20. As the Plaintiff and the defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and HERITAGE MOTOR FREIGHT, INC., were traveling in the lane adjacent to the Plaintiff's on Interstate 80, when the defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and HERITAGE MOTOR FREIGHT, INC., so negligently and carelessly operated the truck that they lost control of their truck, resulting in a forceful collision with defendants,

THOMAS D. BROWN and SCHNEIDER NATIONAL CARRIERS, INC.'S, truck, and further collision with the Plaintiff's truck, thereby causing the injuries and damages which are the subject of this action.

COUNT ONE

21. The plaintiff, RONALD K. SERAFIN, incorporates by reference the previous allegations of this Complaint as fully as though the same were set forth herein at length.

22. On or about December 18, 2019, the plaintiff, RONALD K. SERAFIN, was the operator of a certain 2007 Volvo Truck, which was traveling in a westerly direction on Interstate 80 in Austintown, Ohio.

23. On the same date and time, defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, negligently and carelessly drove their respective trucks and/or motor vehicles without making proper observations, without keeping their trucks and/or motor vehicles under adequate control, in violation of numerous motor vehicle statutes of the State of Ohio, so as to cause, their trucks and/or motor vehicles to collide causing serious injuries to the plaintiff, RONALD K. SERAFIN.

24. As a result of the carelessness and negligence of the defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, as aforesaid, the plaintiff, RONALD K. SERAFIN, suffered serious personal injuries, including, but not limited to, cervical and lumbar injuries requiring invasive surgery, right knee orthopedic injury and right and left shoulder injuries, as a result of which he has suffered and will in the future suffer great physical pain and emotional distress.

25. As a further result of the negligence of the defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, as aforesaid, the plaintiff, RONALD K. SERAFIN, has incurred significant medical expenses, and will in the future incur additional medical expenses in an effort to cure himself of his injuries.

26. As a further result of the negligence of the defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, as aforesaid, the plaintiff, RONALD K. SERAFIN, was unable to attend to his usual activities and employment, as a result of which he has suffered a loss of earnings and earning capacity, and may continue to incur such losses for an indefinite time in the future.

WHEREFORE, the plaintiff, RONALD K. SERAFIN, demands judgment against the defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, both jointly and severally, in an amount in excess of \$75,000.00, exclusive of interest, costs and attorney's fees.

COUNT TWO

27. The plaintiff, RONALD K. SERAFIN, incorporates by reference the previous allegations of this Complaint as fully as though the same were set forth herein at length.

28. At the time and place alleged, the defendant, THOMAS D. BROWN, was operating the truck owned by defendant, SCHNEIDER NATIONAL CARRIERS, INC., with the full knowledge and permission of defendant, SCHNEIDER NATIONAL CARRIERS, INC., as its agent, servant or employee, thereby imputing the negligence and carelessness of the

defendant, THOMAS D. BROWN, to the defendant, SCHNEIDER NATIONAL CARRIERS, INC.

WHEREFORE, the plaintiff, RONALD K. SERAFIN, demands judgment against the defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, both jointly and severally, in an amount in excess of \$75,000.00, exclusive of interest, costs and attorney's fees.

COUNT THREE

29. The plaintiff, RONALD K. SERAFIN, incorporates by reference the previous allegations of this Complaint as fully as though the same were set forth herein at length.

30. Upon information and belief, defendant, SCHNEIDER NATIONAL CARRIERS, INC., is a Carrier registered with the U.S. Department of Transportation, DOT number 264184, to carry certain Cargo, and in the business of delivering and transporting freight and cargo interstate.

31. As a Carrier authorized to transport freight and cargo interstate, SCHNEIDER NATIONAL CARRIERS, INC., had a duty to properly and carefully screen, hire, train and supervise all persons it employed to drive their trucks carrying freight and cargo on interstate public roads and highways.

32. As a Carrier authorized to transport freight and cargo interstate, defendant, SCHNEIDER NATIONAL CARRIERS, INC., had a duty and legal obligation to place only knowledgeable, trained and experienced truck drivers on public interstate roads and highways.

33. In violation of its statutory regulatory and other duties, Defendants failed to properly screen, train, supervise, and retain defendant, THOMAS D. BROWN.

34. The Defendant hired defendant, THOMAS D. BROWN, who lacked experience and training, in violation of its standard of care and accepted industry carrier standards and practices and entirely failed to train THOMAS D. BROWN.

35. The Defendant's conduct, individually and in concert, was willful and with wanton disregard for persons who foreseeably could be harmed by Defendant's conduct, such as persons driving on public interstate roads.

36. As a result of the carelessness and negligence of the defendants, THOMAS D. BROWN and SCHNEIDER NATIONAL CARRIERS, INC., as aforesaid, the plaintiff, RONALD K. SERAFIN, suffered serious personal injuries, including, but not limited to, cervical and lumbar injuries requiring invasive surgery, right knee orthopedic injury and right and left shoulder injuries, as a result of which he has suffered and will in the future suffer great physical pain and emotional distress.

37. As a further result of the negligence of the defendants, THOMAS D. BROWN and SCHNEIDER NATIONAL CARRIERS, INC., as aforesaid, the plaintiff, RONALD K. SERAFIN, has incurred significant medical expenses, and will in the future incur additional medical expenses in an effort to cure himself of his injuries.

38. As a further result of the negligence of the defendants, THOMAS D. BROWN and SCHNEIDER NATIONAL CARRIERS, INC., as aforesaid, the plaintiff, RONALD K. SERAFIN, was unable to attend to his usual activities and employment, as a result of which he has suffered a loss of earnings and earning capacity, and may continue to incur such losses for an indefinite time in the future.

WHEREFORE, the plaintiff, RONALD K. SERAFIN, demands judgment against the

defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, both jointly and severally, in an amount in excess of \$75,000.00, exclusive of interest, costs and attorney's fees.

COUNT FOUR

39. The plaintiff, RONALD K. SERAFIN, incorporates by reference the previous allegations of this Complaint as fully as though the same were set forth herein at length.

40. At the time and place alleged, the defendant, ALLEN R. ENGLISH, was operating the truck owned by defendants, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., with the full knowledge and permission of defendants, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., as its agent, servant or employee, thereby imputing the negligence and carelessness of the defendant, ALLEN R. ENGLISH, to the defendants, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC.

WHEREFORE, the plaintiff, RONALD K. SERAFIN, demands judgment against the defendants, THOMAS D. BROWN, SCHNEIDER NATIONAL CARRIERS, INC., ALLEN R. ENGLISH, ENGLISH TRUCKING, HERITAGE MOTOR FREIGHT, INC., and CALDER J. GLASEBROOK, both jointly and severally, in an amount in excess of \$75,000.00, exclusive of interest, costs and attorney's fees.

COUNT FIVE

41. The plaintiff, RONALD K. SERAFIN, incorporates by reference the previous allegations of this Complaint as fully as though the same were set forth herein at length.

42. Upon information and belief, defendant, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., is a Carrier registered with the U.S.

Department of Transportation, DOT number 1040805, to carry freight, and in the business of delivering and transporting freight interstate.

43. As a Carrier authorized to transport freight and cargo interstate, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., had a duty to properly and carefully screen, hire, train and supervise all persons it employed to drive their trucks carrying freight on interstate public roads and highways.

44. As a Carrier authorized to transport freight and cargo interstate, defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., had a duty and legal obligation to place only knowledgeable, trained and experienced truck drivers on public interstate roads and highways.

45. In violation of its statutory regulatory and other duties, Defendants failed to properly screen, train, supervise, and retain defendant, ALLEN R. ENGLISH.

46. The Defendant hired defendant, ALLEN R. ENGLISH, who lacked experience and training, in violation of its standard of care and accepted industry carrier standards and practices and entirely failed to train ALLEN R. ENGLISH.

47. The Defendant's conduct, individually and in concert, was willful and with wanton disregard for persons who foreseeably could be harmed by Defendant's conduct, such as persons driving on public interstate roads.

48. As a result of the carelessness and negligence of the defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., as aforesaid, the plaintiff, RONALD K. SERAFIN, suffered serious personal injuries, including, but not limited to, cervical and lumbar injuries requiring invasive surgery, right knee orthopedic injury

and right and left shoulder injuries, as a result of which he has suffered and will in the future suffer great physical pain and emotional distress.

49. As a further result of the negligence of the defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., as aforesaid, the plaintiff, RONALD K. SERAFIN, has incurred significant medical expenses, and will in the future incur additional medical expenses in an effort to cure himself of his injuries.

50. As a further result of the negligence of the defendants, ALLEN R. ENGLISH, ENGLISH TRUCKING and/or HERITAGE MOTOR FREIGHT, INC., as aforesaid, the plaintiff, RONALD K. SERAFIN, was unable to attend to his usual activities and employment, as a result of which he has suffered a loss of earnings and earning capacity, and may continue to incur such losses for an indefinite time in the future.

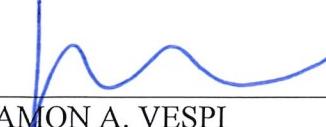
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CERTIFICATION

Damon A. Vespi, Esq. hereby certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and that there are no additional known parties who should be joined to the present action at this time.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

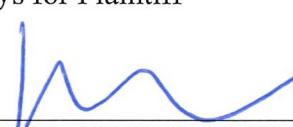
By: 
DAMON A. VESPI

Dated: December 9, 2021

NOTICE PURSUANT TO F.R.C.P. RULE 5 AND 31 (C)

PLEASE TAKE NOTICE that the undersigned attorney hereby demands that each party herein serve pleadings and/or interrogatories and/or receiving papers thereto serve copies of all such pleadings and answered interrogatories received from any party upon the undersigned and take further notice that this is a continuing demand.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

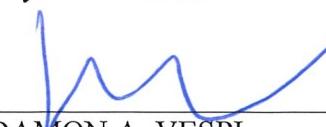
By: 
DAMON A. VESPI

Dated: December 9, 2021

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Damon A. Vespi, Esq. as Trial Counsel.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 
DAMON A. VESPI

Dated: December 9, 2021